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Regn. No. KERBIL/2012/45073
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Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1-16421/2006.

8th April 2016.

In exercise of the powers conferred by Article 225 and 227 of the Constitution of India and section 122 of the Code of Civil Procedure 1908, the High Court of Kerala frames the following rules:

Advocates' Clerks Rules 2016

- These rules shall be called Advocates' Clerks Rules. These Rules shall come into force from the date of publication in the Kerala Gazette.
- These rules shall apply to all clerks attached to the offices of the Advocates practicing in the High Court of Kerala and all Civil and Criminal Courts Subordinate to the High Court of Kerala.
- In these rules, unless the context otherwise requires :
 - "Advocate" means an Advocate as defined in the Advocates Act 1961.
 - "Registrar" means the Registrar (Subordinate Judiciary) of the High Court of Kerala.
 - "Registered Clerk" means a clerk employed by an Advocate and registered in the manner provided in Rules 5 to 7 hereunder.

4. A person who has passed the S.S.L.C. Examination or its equivalent and who has undergone training under a registered clerk for not less than one year shall be eligible to be registered as an Advocate Clerk. Every person who has submitted an application before 30-6-2008 under the Kerala Advocate Clerks Welfare Fund Rules 2004 and whose application has been granted by the Committee under the said Rule shall stand exempted permanently from acquiring the educational qualification specified in this Rule.

5. (a) Application for registration of Advocate's Clerk shall be made to the Registrar or the District Judge as the case may be by the Advocate who has engaged the clerk, stating the name, mother's/father's name, full postal address including telephone number/mobile number/e-mail address, gender and educational qualifications. The Advocate shall certify that the clerk who is seeking registration has undergone training under a registered clerk for one year, specifying the name and registration number of the registered clerk, and that the clerk bears a good character. If the clerk has served under another advocate, a certificate from such advocate giving details of the engagement should also be filed, unless otherwise permitted by the Registering Authority.

(b) In the case of fresh applicants who has undergone training, then the application should be accompanied by an affidavit of a registered clerk stating that the trainee clerk had undergone training for one year under him.

6. Every registered clerk who is engaging a trainee clerk shall intimate the details of such trainee to the Registrar/District Judge. The Registrar/District Judge shall on receipt of such intimation verify whether the trainee satisfies the educational requirements under Rule 4 and thereafter issue a trainee identity card.

7. The registration obtained by an Advocate Clerk continues in force till the clerk leaves the service of the Advocate who had applied before the Registering Authority. Once the Advocate clerk leaves the service of the Advocate who had engaged him or in case of the death of the Advocate who had engaged him, then a fresh registration as required under the rules is mandatory.

8. An Advocate may have more than one registered clerk at a time.

9. A registered clerk may serve more than one Advocate subject to written consent of the Advocate under whom he is registered. Such consent should be duly intimated to the Registrar/District Judge.

10. Every Clerk, upon registration, shall be given an identity card which he shall produce whenever required, and which he shall surrender when he ceases to be the clerk of the Advocate who applied for his registration. Every registered clerk shall wear the identity card in a visible manner when he enters the court hall and the offices of the court. Only a registered clerk shall be allowed to attend the offices of the court for presenting or receiving any papers including documents or exhibits on behalf of the Advocate who has employed him. Duplicate Identity Cards may be issued to an Advocate Clerk, if the card issued is lost or damaged, provided, a stamped application is filed by the Advocate who had engaged him along with an affidavit of the registered clerk stating the reason for applying for the duplicate identity card.

11. No fees will be levied for registration of the name of a clerk.

12. The District Judge shall maintain a register in the form given in Appendix A of all registered clerks within his jurisdiction. The District Judge shall direct his Sheristadar to issue under his signature to each registered clerk the identity card in the form given in Appendix B. In the High Court of Kerala, the Register shall be maintained by the Section Officer in the Filing Department and the card shall be signed by the Assistant Registrar in charge of the Filing Section.

13. Whenever an Advocate terminates the employment of a registered clerk, he shall notify such fact to the District Judge or the Registrar, as the case may be. The District Judge or the Registrar as the case may be, will thereupon order the removal of the name of such registered clerk from the register and notify the cancellation of his registration. The District Judge will also notify the fact of removal to the other civil courts in the District and to the Chief Judicial Magistrate of the District for communication to the other Magistrates in the District.

14. No person who had been in the service of the Civil or Criminal Subordinate Courts or of the High Court shall be entitled to be employed as an Advocate Clerk within the jurisdiction of the court where the person last worked, for a period of three years.

15. If on the death, retirement, discharge or dismissal of a registered clerk, an Advocate wishes to engage another clerk, he shall apply to the registering authority for registration of such another person as registered clerk. The Advocate shall also be entitled to look into the register for satisfying himself whether the person seeking his employment had previously been in the employment of another Advocate.

16. If a registered clerk of an Advocate is on leave due to illness or otherwise, the registering authority shall, on request of the Advocate under whom the registered clerk is engaged, permit the registered clerk of another Advocate to discharge the duties of such absentee clerk for a specified period.

17. (1) No persons who has been declared as a tout by the District Judge/Registrar or is an undischarged insolvent or has been convicted of an offence involving moral turpitude or has been dismissed from the service of the judicial/government/statutory authorities for corruption or dishonesty or is unfit to be a clerk for any other sufficient reason, shall be registered as an Advocate's Clerk.

Explanation:

(a) "tout" means a person who procures or attempts to procure consideration of any remuneration moving from any Advocate or from any person acting on his behalf, the employment of such Advocate in any legal practice or who, for purposes of such procurement, frequents the precincts of the Court.

(b) The passing of resolution by a Bar Association/Advocates Association declaring any person to be a tout shall be evidence of general repute of such person for the purpose of this rule.

(2) No person shall be declared as tout unless he has been given an opportunity to show cause against such declaration. Any person aggrieved may appeal to the Chief Justice against the order of the Registrar or District Judge declaring him as a tout and such appeal shall be considered by the Chief Justice or such other Judge of the High Court as the Chief Justice may nominate in that behalf.

(3) The Registrar/District Judge shall publish a list of person declared as touts annually in the notice board of the Court. The District Judge shall also communicate such list for notification in all the civil courts in the District and to the Chief Judicial Magistrate of the District for communication to the other Magistrates in the District.

18. Every registered clerk shall keep true and correct accounts of the money entrusted to him by the Advocate and the client.

19. (1) The District Judge or the Registrar may order the removal of the name of a registered clerk from the register and cancel his registration or suspend him for a specified period if

(a) he is disqualified under Rule 17, Rule 20 or

(b) he fails to comply with Rule 18.

(2) In the event of removal of the name, cancellation of registration or suspension under sub rule (1), a notification similar to that provided for in Rule 13 shall be made.

20. If complaint of any misconduct against any registered clerk is made to the Registrar/District Judge or is otherwise brought to the notice of the Registrar/District Judge or if any instance of misconduct comes to the notice of the Registrar/District Judge, the Registrar/District Judge or any other officer authorized by the Registrar/District Judge shall enquire into the matter. If the misconduct by the registered clerk is found to be correct, the registration granted to the clerk shall be cancelled.

21. The District Judge or the Registrar, may, at his discretion refuse to register a clerk who had been earlier removed from the register on account of his dismissal or action under Rule 19 or Rule 20 also.

22. The registration of the Advocate Clerks who are already registered under the existing Pleader's Clerks' Rules and whose registration remains valid on the commencement of these Rules, shall continue to be valid under these Rules. The Rules made herein are not in derogation of and shall be in addition to Rules 25 to 31 of the Rules of the High Court of Kerala 1971.

APPENDIX A

Register of Registered Clerks of Advocates

- | | | |
|------|---|---|
| (1) | Serial No. | : |
| (2) | Name | : |
| (3) | Mother's/Father's Name | : |
| (4) | Gender | : |
| (5) | Educational Qualification | : |
| (6) | Residential Address | : |
| (7) | Telephone Number/mobile Number/
E-mail address | : |
| (8) | Date of Registration | : |
| (9) | Name & Address of Advocate with
Telephone Number/mobile Number/
e-mail address, under whom employed | : |
| (10) | Date of removal from register | : |
| (11) | Remarks if any | : |

APPENDIX B

Form of Card for Advocate's Registered/Trainee Clerk

Card No.

Photograph

Non Transferable

This is to certify thatson ofresiding atis a registered clerk/trainee clerk employed by Advocate.....and that he is entitled in connection with his employer's business to have access to all courts within.....District and to offices attached thereto.

Dated this the

Assistant Registrar, High Court/Sheristadar, District Court

(For Registrar, High Court of Kerala/District Judge)

By order,

N. ANIL KUMAR,

*Registrar (Subordinate Judiciary).***Explanatory Note**

(This does not form part of the notification but is intended to indicate its general purport.)

On considering the matter of framing fresh rules providing for the registration and other matters with respect to the Advocate Clerks in the High Court and Subordinate Courts, in place of the Pleader's Clerks Rules which stands repealed the High Court proposed to frame Advocates' Clerks Rules

The notification is intended to achieve the above objects.

PROCEEDINGS			(1)	(2)	(3)
<i>Sub:</i> —Judiciary—Regularisation of temporary promotions granted to Munsiff-Magistrates as Sub Judges/Chief Judicial Magistrates—Orders—Issued.			10	Shri Soman, K., Principal Sub Judge, Kozhikode	8-11-2012
<i>Read:</i> —(1) High Court Proceedings No. B1-35733/2012, dated 6-11-2012.			11	Shri Baiju, C. K., Sub Judge, Perumbavoor	16-11-2012
(2) High Court Proceedings No. B1-58/2013(1) dated 22-1-2013.			12	Shri P. Sabarinathan, Principal Sub Judge, Thalassery	19-11-2012
(3) High Court Proceedings No. B1-58/2013 dated 19-7-2013.			13	Shri Hafees Muhammed, Sub Judge, Kottarakkara	26-11-2012
Order No. B1-7938/2013 dated 13-4-2016			14	Smt. Nirmala, T. K., Sub Judge, Tirur	14-11-2012
As per the High Court proceedings read above temporary promotions were granted to the following Munsiff Magistrates as Sub Judges/Chief Judicial Magistrates. The temporary promotions of the following 24 Sub Judges/Chief Judicial Magistrates are regularised with effect from the dates shown against their names.			15	Smt. Jyothis Ben, P., Principal Sub Judge, Kottayam	14-11-2012
			16	Shri Varghese, A. F., Additional Sub Judge, Thalassery	14-11-2012
			17	Shri Shajahan, A., Secretary, DLSA, Alappuzha	16-11-2012
			18	Shri Seshadrinathan, N., Sub Judge, Chavakkad	14-11-2012
			19	Shri Baiju, R. L., Secretary, DLSA, Kozhikode	23-11-2012
			20	Shri Mohandas, P. K., Sub Judge, Alappuzha	19-11-2012
			21	Shri Prabhakaran, K. N., Sub Judge, Ottappalam	9-11-2012
			22	Shri B. Prabhathukumar, Secretary, DLSA, Thiruvananthapuram	11-2-2013
			23	Shri Abdul Jaleel, A., Sub Judge, Payyannur	11-2-2013
			24	Shri Hari R. Chandran, Deputy Registrar, KAT, Thiruvananthapuram	31-7-2013
<i>Sl. No.</i>	<i>Name and Designation</i>	<i>Date</i>			
(1)	(2)	(3)			
1	Shri Anishkumar, P. V., CJM, Thalassery	19-11-2012			
2	Shri Prakash, R. T., CJM, Manjeri	19-11-2012			
3	Shri P. Saidalavi, Addl. CJM, Thalassery	21-11-2012			
4	Shri Ajikumar, S., CJM, Kalpetta	14-11-2012			
5	Shri Anil K. Bhaskar, Sub Judge, Vadakara	14-11-2012			
6	Shri Tomi Varghese, Deputy Registrar, Kerala Lok Ayukta	14-11-2012			
7	Shri Vijayakumar, V. N., Principal Sub Judge, Irinjalakuda	14-11-2012			
8	Shri Anil, G., Secretary, DLSA, Ernakulam	12-11-2012			
9	Smt. Seetha, P. N., Principal Sub Judge, Thrissur	21-11-2012			
			By order, N. ANIL KUMAR, Registrar (Subordinate Judiciary).		
			Kochi-682 031.		